



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,629	01/24/2000	Richard H. Lamb	201385	6064

7590 10/08/2003

Phillip M Pippenger
Leydig Voit & Mayer Ltd
Two Prudential Plaza Suite 4900
180 North Stetson
Chicago, IL 60601-6780

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 10/08/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/489,629

Applicant(s)

LAMB ET AL.

Examiner

Thong H Vu

Art Unit

2142

All participants (applicant, applicant's representative, PTO personnel):

(1) Thong H Vu.

(3) Phillip M. Pipepenger, #46,055.

(2) Marc Thompson.

(4) _____.

Date of Interview: 10/7/03.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: 1-33.

Identification of prior art discussed: 6,389,462.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

MARC D. THOMPSON
MARC THOMPSON
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Examiner and Applicant discussed functionality of the claimed invention and the general knowledge as known in the prior art, of and outside of the record. Applicant portrayed operation of invention as functionality to control access to destination server(s) (actually, network resources stored on destination servers) by redirection of communication packets through a gateway computing node by translating network address(es) to route packets to an access controlling web server (other than the requesting client and the destination) prior to proxy/gateway request/blocking and/or retrieval/denial of requested information.

Both parties agreed that Figure 3 of the present specification best represented a solid basis for discussion of the invention as claimed and disclosed. Further, it was agreed that the invention as presently disclosed relates directly to use of an [resource] access controlling web server which provides an indication to a gateway (proxy) server whether access to the requested resource should be allowed or denied.

Examiners noted that it is unclear in the claim(s), specifically the independent claims, whether determination of allowed or denied access occurs at the access server, and/or at the gateway proxy, and further, how, where, and based on what these determination(s) are made. Parties discussed inclusion of locational designations for functional processes as a part of the claimed invention, i.e., claiming expressly what functionality occurs where (in which node(s)). Cohen (applied prior art of record) was broadly discussed, and Applicant attempted distinguishing the presently disclosed invention from the standard proxy and domain name server(s) (DNS) functionality exemplified by Cohen. Examiners noted that DNS, in a broad sense, controls access to

Art Unit: 2142

network resources by "resolving" logical names into physical addresses such that request and response information may be exchanged between client(s) and server(s). Examiners also provided examples relating to load balancing or network access regulation at the DNS level, which would further meet the invention as broadly claimed.

Both parties conceded that the operation of Cohen included a proxy redirector (gateway, DNS server) serving to redirect communication(s) to destination address(es), was well known in the art. Parties discussed inclusion into the claims of details relating directly to specific communications (e.g., methodology of transaction) between the gateway/proxy and the "third party"/external access control web server in order to provide details of access control not currently claimed, further, to distinguish over the overly broad teachings of Cohen and the use of proxy servers and DNS in general. Also, details relating directly to the actual determination of access grant or denial (e.g., black/white lists, client identification tokens and associated profiles, cookies, etc.) was briefly discussed to enhance the claimed description of interprocess communication between proxy/gateway and access controlling web servers.

Examiners indicated significant advancement in prosecution and potential allowable subject matter in the entirety of claim 7. This claim provides identification of the request client(s) through the use of token(s), and is assumed to relate to a particular, determined "profile" or equivalent to make access grant or denial determinations, and the subsequent passing of this determination to the gateway/proxy server which actually controls the access to network resources. This functionality in combination with the intermediately recited specific message passing details,

deterministic boolean designations for decision making (e.g., expressly recited functionality as a result of comparisons of information "on the black list" or "not on the white list"), the express inclusion of each and every possible access control condition and any associated resultant functionality, proposed environmental details (such as how many machines actively communicate and the connections between them), and locality designation for functional processes (what functions occur in which machines), would provide significant improvement in inventive concept determination, and the isolation of more specific prior art of record to address the specificity of any future claimed invention.

In summation, the narrowing of the claimed invention was suggested in order to advance prosecution and provide a clearer understanding of the scope of the claimed invention. Applicant was reminded that appeal (no amendment suggested) and continued examination (amendment required) are the two choices of future prosecution from this point. Applicant expressed concern about entry/non-entry of proposed amendments after final and upon RCE filing, as well as incurring additional expense. Examiners reported that any after final amendments which alter scope will likely not be entered until the filing of an RCE request (then, required), due to further search and consideration required to properly ascertain patentability of the newly claimed subject matter. Applicant was further told that a preliminary amendment would be sufficient for the filing any subsequent RCE request, and a reasonable amount of time (4-5 weeks past RCE request date) would be granted for supplemental amendment drafting and submission prior to a first action on the RCE merits by the Examiner. Lastly, Examiner

Art Unit: 2142

suggested an additional interview in greater detail of proposed amendments prior to filing of subsequent, supplemental amendments.

Thong Vu
Patent Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to be 'Thong Vu', with a stylized, cursive script.

MARC D. THOMPSON
MARC THOMPSON
PRIMARY EXAMINER